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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Four Attorneys Immediately Suspended; Five Receive Final Orders*

FALLS CHURCH, Va. – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against nine attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners. The Rules of Professional Conduct appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin with a Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS). The BIA requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the immigration courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS. Disciplined attorneys must petition and be reinstated by the BIA before they can resume the practice of law before the BIA, the immigration courts, and the DHS.

Immediate Suspension

The BIA ordered the immediate suspension of the following attorneys:

- **David Eric Brockway:** He was suspended from the practice of law for 2 years by the Supreme Court of California for multiple acts of wrongdoing, including incompetence, failure to return unearned fees, and improper withdrawal from employment. He was immediately suspended by the BIA on Nov. 17, 2006, based on his suspension in California, pending final disposition of his case.

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- **Charles C. Day:** He was disbarred from the practice of law by the New York Supreme Court, Appellate Division, First Judicial Department, for multiple acts of wrongdoing, including neglect, engaging in conduct that involves dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. He was immediately suspended by the BIA on Nov. 29, 2006, based on his disbarment in New York, pending final disposition of his case.
- **Kelechi Charles Emeziem:** He was suspended from the practice of law for 18 months by the Supreme Court of California for failing to perform legal services with competence and failure to deposit funds into his trust account. He was immediately suspended by the BIA on Dec. 5, 2006, based on his suspension in California, pending final disposition of his case.
- **Zoilo I. Silva:** He was suspended from the practice of law for 2 years by the New York Supreme Court, Appellate Division, First Judicial Department, for engaging in conduct that involves dishonesty, fraud, deceit, or misrepresentation and commingling of client funds with business funds. He was immediately suspended by the BIA on Nov. 29, 2006, based on his suspension in New York, pending final disposition of his case.

Final Orders of Discipline

The BIA issued a Final Order of Discipline against the following attorneys:

- **Rita H. Altman:** A final order of Dec. 6, 2006, suspends her indefinitely from practice before immigration tribunals, effective Oct. 30, 2006, based on her suspension in Florida for failing to comply with two subpoenas issued by the grievance committee.
- **Nancy Carper:** A final order of Nov. 17, 2006, suspends her from practice before immigration tribunals for 3 years, effective June 21, 2006, based on her suspension in Illinois for numerous violations of the state's rules of professional conduct, including failing to act with reasonable diligence, engaging in conduct that involves dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.
- **Charles P. LeBeau:** A final order of Nov. 1, 2006, expels him from practice before immigration tribunals, effective Oct. 19, 2006, based on the revocation of his license to practice law in Michigan for violating numerous rules of professional conduct, including failing to represent a client competently and diligently.
- **Peter D. Winthrop:** A final order of Dec. 6, 2006, suspends him from practice before immigration tribunals for 2 years, effective Oct. 23, 2006, based on his suspension in Illinois for misrepresentation and engaging in conduct which involved dishonesty, fraud, deceit, or misrepresentation.

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An adjudicating official from the Office of the Chief Immigration Judge issued a Final Order of Discipline against the following attorney:

- **Dalia R. Kejbou:** A final order of Nov. 22, 2006, suspends her from practice before immigration tribunals until Jan. 4, 2007, based on her criminal conviction for aiding and abetting the attempted improper entry by an alien and her 90-day suspension in Michigan.

Background

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rules also authorize the BIA to suspend immediately a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a federal or state court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR website at http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf.

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent clients in any matter before an immigration tribunal. EOIR also posts a “List of Disciplined Practitioners” on its website at <http://www.usdoj.gov/eoir/profcond/chart.htm>. In an effort to provide more detailed information about individual attorney discipline cases, every new immediate suspension or final order issued beginning June 27, 2005, can be accessed through this list by clicking on the highlighted “date” link. Links to older orders, issued since July 2000, will be included gradually.

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR website.

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EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.

Information about EOIR immigration proceedings is available on EOIR's website <http://www.usdoj.gov/eoir/press/subject.htm>.